

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WIRELESSCO, L.P. THROUGH ITS AGENT)
AND GENERAL PARTNER, SPRINT SPECTRUM, L.P. FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE) CASE NO.
AND NECESSITY TO CONSTRUCT A PERSONAL) 99-113-UAC
COMMUNICATION SERVICES FACILITY IN THE LOUISVILLE)
MAJOR TRADING AREA [VALLEY VIEW FACILITY])

O R D E R

On May 25, 1999, Sprint Spectrum, L.P. on behalf of WirelessCo, L.P. filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a personal communications system ("PCS") facility in the Louisville Major Trading Area, which encompasses the entire Commonwealth of Kentucky. WirelessCo, L.P. has requested authorization to construct a PCS site in Hardin County. WirelessCo, L.P. was previously granted the authority to operate in Case No. 96-077.¹

The proposed site is to be located at 809 South Park Road in Elizabethtown, Hardin County, Kentucky ("the Valley View PCS site"). The coordinates for the Valley View PCS site are North Latitude 37° 40' 33.3" by West Longitude 85° 50' 18.8".

WirelessCo, L.P. has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Valley View PCS site. Based upon

¹ Case No. 96-077, The Application of WirelessCo, L.P., d/b/a Sprint Telecommunications Venture for Operating Authority and Issuance of Certificate of Public Convenience and Necessity to Construct Commercial Mobile Radio Service Transmission Facilities in Kentucky.

the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to KRS 100.987(2), WirelessCo, L.P. has submitted the uniform application and received approval from the City of Elizabethtown Planning and Development Commission for the proposed construction. WirelessCo, L.P. has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Valley View cell site. The FAA approved the site while the KAZC application is pending.

WirelessCo, L.P. has verified that each person who owns property within 500 feet of the Valley View PCS site has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after WirelessCo, L.P.'s application was filed. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, WirelessCo, L.P. should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to

consider the proper practices, including removal of the unused antenna tower, which should be observed by WirelessCo, L.P.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that WirelessCo, L.P. should be granted a Certificate of Public Convenience and Necessity to construct and operate the Valley View PCS site under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. WirelessCo, L.P. is granted a Certificate of Public Convenience and Necessity to construct and operate the Valley View PCS site.
2. WirelessCo, L.P. shall file a copy of the final decision regarding the pending KAZC application for this site within 10 days of receiving the decision.
3. WirelessCo, L.P. shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 11th day of June, 1999.

By the Commission

ATTEST:

Executive Director